

[Counsel listed on signature page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL  
LITIGATION

**Case No. 4:20-cv-03919-CW**

**SECOND STIPULATION AND [PROPOSED]  
ORDER SUPPLEMENTING AND AMENDING  
PROTECTIVE ORDER REGARDING  
HIGHLY CONFIDENTIAL – COUNSEL  
ONLY AND CONFERENCE STRICTLY  
CONFIDENTIAL INFORMATION**

Hon. Claudia Wilken

On December 22, 2020, this Court entered a Stipulation and Protective Order (the “Protective Order”) in this action (Docket No. 137). Exhibit A to the Protective Order provides for the confidentiality designation of “Highly Confidential – Counsel Only.” Highly Confidential – Counsel Only Information<sup>1</sup> is defined as:

any document, response to discovery, or deposition transcript which that Disclosing Party considers in good faith to contain Confidential Information, the disclosure of which to another party or non-party would create a substantial risk of serious harm that could not be avoided by less restrictive means (Highly Confidential – Counsel Only Information).

Ex. A to Protective Order (Docket No. 136-1).

The Protective Order further contemplated that the parties would separately negotiate appropriate protections for documents to be produced in this action that could be designated Conference Strictly Confidential – Outside Litigation Counsel Only or Network Strictly Confidential – Outside Litigation Counsel Only under the Protective Order. On February 8, 2021, the Court entered a Supplemental Stipulation and Order Supplementing and Amending Protective Order Regarding Conference and Network Strictly Confidential Documents (the “First Supplemental Stipulation & Order”) (Docket No. 148).

The First Supplemental Stipulation & Order defines House Conference Strictly Confidential – Outside Litigation Counsel Only Information as:

3. Any party or non-party may designate as House CSC – Outside Litigation Counsel Only (by stamping the relevant page or portion “House CSC – Outside Litigation Counsel Only”) any document, response to discovery, deposition transcript, or anything else furnished during the course of these actions that includes or concerns financial information, contractual terms, or other sensitive business information of a Conference Defendant in these actions (including summaries or analyses of such information that may identify the nature of such terms), that the Disclosing Party or their contractual counterparty considers in good faith to contain information, the disclosure of which to in-house counsel or specific individual outside counsel of another party or non-party would create a substantial risk of serious competitive, business, or financial harm to such designating party or to a party or non-party to which such designating party has a confidentiality obligation (“House CSC – Outside Litigation Counsel Only Information”).

1 This Second Supplemental Stipulation and [Proposed] Order reflects the parties' agreement to further  
2 amend the Protective Order and the First Supplemental Stipulation & Order regarding Highly  
3 Confidential – Counsel Only Information and House Conference Strictly Confidential – Outside  
4 Litigation Counsel Only Information.

5 THEREFORE, through counsel, the parties stipulate and move the Court to order that:

6 1. Highly Confidential – Counsel Only Information includes all information produced by  
7 an NCAA member school, college, university, or institution that is protected by the Family  
8 Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g (hereinafter “FERPA-Related  
9 Information”). Any member school, college, university, or institution may designate documents that  
10 contain FERPA-Related Information as “Highly Confidential – Counsel Only” in accordance with the  
11 provisions of the Protective Order.

12 2. Materials or information designated as FERPA-Related Information shall not be  
13 disclosed, except in accordance with the terms of the Protective Order governing the disclosure of  
14 Highly Confidential – Counsel Only Information and shall be redacted from public documents and  
15 filings, unless otherwise required by court order.

16 3. In the event any individual member school, college, university, or institution is named  
17 as a defendant in this action, any such information produced by a member school, college, university,  
18 or institution in response to a third party subpoena shall be treated as “House CSC – Outside Litigation  
19 Counsel Only” as to the named individual member school, college, university, or institution only.

20 IT IS SO STIPULATED.  
21  
22  
23  
24  
25  
26

27 <sup>1</sup> Capitalized terms used herein shall have the same definition and meaning as set forth in the  
28 Protective Order and Supplemental Stipulation and Order Supplementing and Amending Protective  
Order Regarding Conference and Network Strictly Confidential Documents.

Dated: March 28, 2022

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

WINSTON & STRAWN LLP

By: /s/ Steve W. Berman  
 Steve W. Berman (*pro hac vice*)  
 Emilee N. Sisco (*pro hac vice*)  
 1301 Second Avenue, Suite 2000  
 Seattle, WA 98101  
 Telephone: (206) 623-7292  
 Facsimile: (206) 623-0594  
 steve@hbsslaw.com  
 emilees@hbsslaw.com

By: /s/ Jeffrey L. Kessler  
 Jeffrey L. Kessler (*pro hac vice*)  
 David G. Feher (*pro hac vice*)  
 David L. Greenspan (*pro hac vice*)  
 Adam I. Dale (*pro hac vice*)  
 200 Park Avenue  
 New York, NY 10166-4193  
 Telephone: (212) 294-4698  
 Facsimile: (212) 294-4700  
 jkessler@winston.com  
 dfeher@winston.com  
 dgreenspan@winston.com  
 aidale@winston.com

Benjamin J. Siegel (SBN 256260)  
 715 Hearst Avenue, Suite 202  
 Berkeley, CA 94710  
 Telephone: (510) 725-3000  
 Facsimile: (510) 725-3001  
 bens@hbsslaw.com

Jeanifer E. Parsigian (SBN 289001)  
 101 California Street, 34<sup>th</sup> Floor  
 San Francisco, CA 94111  
 Telephone: (415) 591-1000  
 Facsimile: (415) 591-1400  
 jparsigian@winston.com

Jeffrey L. Kodroff  
 SPECTOR ROSEMAN & KODROFF PC  
 Two Commerce Square  
 2001 Market Street, Suite 3420  
 Philadelphia, PA 19103  
 Telephone: (215) 496 0300  
 Facsimile: (215) 496 6611  
 jkodroff@srkattorneys.com

*Counsel for Plaintiffs and the Proposed Classes*

*Counsel for Plaintiffs and the Proposed Classes*

## WILKINSON STEKLOFF LLP

By: /s/ Beth A. Wilkinson  
 Beth A. Wilkinson (*pro hac vice*)  
 Rakesh N. Kilaru (*pro hac vice*)  
 Kieran Gostin (*pro hac vice*)  
 Calanthe Cope-Kasten (*pro hac vice*)  
 2001 M Street NW, 10th Floor  
 Washington, DC 20036  
 Telephone: (202) 847-4000  
 Facsimile: (202) 847-4005  
 bwilkinson@wilkinsonstekloff.com  
 rkilaru@wilkinsonstekloff.com  
 kgostin@wilkinsonstekloff.com  
 ccope-kasten@wilkinsonstekloff.com

Rahul Hari (SBN 313528)  
 11601 Wilshire Blvd., Suite 600  
 Los Angeles, CA 90025  
 Telephone: (424) 291-9655  
 Facsimile: (202) 847-4005  
 rhari@wilkinsonstekloff.com

*Counsel for Defendant National Collegiate  
 Athletic Association*

## MAYER BROWN LLP

By: /s/ Britt M. Miller  
 Britt M. Miller (*pro hac vice*)  
 Matthew D. Provance (*pro hac vice*)  
 71 South Wacker Drive  
 Chicago, IL 60606  
 Telephone: (312) 782-0600  
 Facsimile: (312) 701-7711  
 bmiller@mayerbrown.com  
 mprovance@mayerbrown.com

Christopher J. Kelly (SBN 276312)  
 Two Palo Alto Square, Suite 300  
 3000 El Camino Real  
 Palo Alto, CA 94306  
 Telephone: (650) 331-2000  
 Facsimile: (650) 331-2060  
 cjkelly@mayerbrown.com

*Counsel for Defendant The Big Ten  
 Conference, Inc.*

## FOX ROTHSCCHILD LLP

By: /s/ D. Erik Albright  
 D. Erik Albright (*pro hac vice*)  
 Gregory G. Holland (*pro hac vice*)  
 230 North Elm Street, Suite 1200  
 Greensboro, NC 27401  
 Telephone: (336) 378-5368  
 Facsimile: (336) 378-5400  
 ealbright@foxrothschild.com  
 gholland@foxrothschild.com

Jonathan P. Heyl (*pro hac vice*)  
 101 N. Tryon Street, Suite 1300  
 Charlotte, NC 28246  
 Telephone: (704) 384-2625  
 Facsimile: (704) 384-2800  
 jhey1@foxrothschild.com

Alexander Hernaez (SBN 201441)  
 345 California Street, Suite 2200  
 San Francisco, CA 94104-2670  
 Telephone: (415) 364-5540  
 Facsimile: (415) 391-4436  
 ahernaez@foxrothschild.com

*Counsel for Defendant The Atlantic Coast  
 Conference*

## PROSKAUER ROSE LLP

By: /s/ Scott P. Cooper  
 Scott P. Cooper (SBN 96905)  
 Bart H. Williams (SBN 134009)  
 Kyle A. Casazza (SBN 254061)  
 Shawn S. Ledingham, Jr. (SBN 275268)  
 Kelly M. Curtis (SBN 313581)  
 2029 Century Park East, Suite 2400  
 Los Angeles, CA 90067  
 Telephone: (310) 557-2900  
 Facsimile: (310) 557-2193  
 scooper@proskauer.com  
 bwilliams@proskauer.com  
 kcasazza@proskauer.com  
 sledingham@proskauer.com  
 kcurtis@proskauer.com

*Counsel for Defendant Pac-12 Conference*

1 POLSINELLI PC

2 By: /s/ Leane K. Capps  
 3 Leane K. Capps (*pro hac vice*)  
 4 Caitlin J. Morgan (*pro hac vice*)  
 5 2950 N. Harwood Street  
 6 Suite 2100  
 7 Dallas, TX 75201  
 8 Telephone: (214) 397-0030  
 9 lcapps@polsinelli.com  
 cmorgan@polsinelli.com  
 Amy D. Fitts (*pro hac vice*)  
 120 W. 12th Street  
 Kansas City, MO 64105  
 Telephone: (816) 218-1255  
 afitts@polsinelli.com

10 Wesley D. Hurst (SBN 127564)  
 11 2049 Century Park East, Suite 2300  
 12 Los Angeles, CA 90067  
 Telephone: (310) 556-1801  
 whurst@polsinelli.com

13 *Counsel for Defendant The Big Twelve*  
 14 *Conference, Inc.*

ROBINSON, BRADSHAW & HINSON, P.A.

By: /s/ Robert W. Fuller  
 Robert W. Fuller, III (*pro hac vice*)  
 Lawrence C. Moore, III (*pro hac vice*)  
 Pearlynn G. Houck (*pro hac vice*)  
 Amanda P. Nitto (*pro hac vice*)  
 101 N. Tryon St., Suite 1900  
 Charlotte, NC 28246  
 Telephone: (704) 377-2536  
 Facsimile: (704) 378-4000  
 rfuller@robinsonbradshaw.com  
 lmoore@robinsonbradshaw.com  
 phouck@robinsonbradshaw.com  
 anitto@robinsonbradshaw.com

Mark J. Seifert (SBN 217054)  
 SEIFERT ZUROMSKI LLP  
 One Market Street, 36th Floor  
 San Francisco, California 94105  
 Tel. (415) 999-0901  
 Fax (415) 901-1123  
 mseifert@SZLLP.com

*Counsel for Defendant Southeastern*  
*Conference*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Jeffrey L. Kessler  
JEFFREY L. KESSLER

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED,

DATED: March \_\_, 2022

\_\_\_\_\_  
The Hon. Claudia Wilken  
UNITED STATES DISTRICT JUDGE